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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,335	05/18/2005	Hiroya Kusaka	P27931	3746
52123 7590 10/15/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CHIO, TAT CHI	
			ART UNIT 2481	PAPER NUMBER
			NOTIFICATION DATE 10/15/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/535,335	<b>Applicant(s)</b> KUSAKA ET AL.	
	<b>Examiner</b> TAT CHIO	<b>Art Unit</b> 2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 9/29/2010 have been fully considered but they are not persuasive.

Applicant argues that the combination of Ando and Lin does not explicitly teach reproduction control information for recovering the original un-integrated directory file structure.

In response, the examiner respectfully disagrees. Ando teaches original PGC and user-defined PGC in Fig. 36. User-defined PGC contains the cells that the original PGC has but with different order. The cells are the information for recovering the original un-integrated directory file structure in column 43, lines 30-37.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 3-7 and 10, 11, and 13 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, a video data file integrating method comprising, converting step is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US 6,580,873 B2) in view of Lin et al. (US 6,574,417 B1).

**Consider claims 1, 3, 8, and 10,** Ando teaches a video data file integrating apparatus for integrating original un-integrated video data files and original un-integrated management information files associated therewith having a data format of an original un-integrated directory file structure recorded in a first recording medium,

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into a data format of a different directory file structure to be recorded in a second recording medium, said apparatus comprising: a conversion processor that converts said original un-integrated management information files and the original un-integrated video data files into an integrated management information file and an integrated video data file, respectively (Fig. 36. The user is able to change the format (arrangement) of the PGC), wherein said conversion processor converts the original un-integrated directory file structure corresponding to the first recording medium into reproduction control information, which is used in reproducing said integrated video data file (Fig. 36. The original PGC is equivalent to the original directory file structure, and the user-defined PGC is equivalent to the reproduction control information) and for recovering the original un-integrated directory file structure (col. 43, lines 30-37. User-defined PGC contains the cells that the original PGC has but with different order. The cells are the information for recovering the original un-integrated directory file structure).

However, Ando does not explicitly teach in a data format of said integrated management information file so as to be recorded in the second medium in the integrated management information file.

Lin teaches in a data format of said integrated management information file so as to be recorded in the second medium in the integrated management information file (col. 10, lines 24-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to convert data in a data format of the integrated management information so as to be recorded in the second medium to make the data compatible with the desired format.

**Consider claim 2**, Ando and Lin teach a video data file integrating apparatus for integrating original un-integrated video data files and original un-integrated management information files associated therewith having data format of an original un-integrated directory file structure into a data format of a different directory file structure, said apparatus comprising: a first recording medium that records said original un-integrated video files and the original un-integrated management information files associated therewith (col. 10, lines 24-37 of Lin); a second recording medium that records an integrated video data file and an integrated management information file associated therewith (col. 10, lines 24-37); a first reading/writing unit that reads and writes the original un-integrated video files and the original un-integrated management information files from and to said first recording medium (Fig. 9 of Lin); a second reading/writing unit that reads and writes the integrated video file and the integrated management information file from and to said second recording medium (Fig. 9 of Lin); a conversion controller that controls conversion of the original un-integrated video data files and the original un-integrated management information files recorded in said first recording medium into an integrated data format used in said second recording medium and controls inverse conversion, thereof (Fig. 36 of Ando), wherein said conversion controller performs conversion of said original un-integrated management information files into said integrated management information file (Fig. 36. The user is able to change the format (arrangement) of the PGC), and performs conversion of said original un-integrated video data files into said integrated video data file (Fig. 36. The user is able to change the format (arrangement) of the PGC), and when integrating into said

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integrated management information file and said integrated video data file to be recorded in the data format used in said second recording medium, said conversion controller converts information relating to the original un-integrated directory file structure before the conversion into reproduction control information (Fig. 36. The user is able to change the format (arrangement) of the PGC), which is used in reproducing said integrated video data file and for recovering the original un-integrated directory file structure and which is recorded and added to said integrated management information file (Fig. 36. The original PGC is equivalent to the original directory file structure, and the user-defined PGC is equivalent to the reproduction control information, and col. 43, lines 30-37. User-defined PGC contains the cells that the original PGC has but with different order. The cells are the information for recovering the original un-integrated directory file structure).

**Consider claim 4**, Ando teaches the video data file integrating method further comprising: converting at least one of file name information and directory name information of the video data files having the data format of the original un-integrated directory file structure into text information in the data format of the integrated management information file to be recorded (Fig. 30).

**Consider claim 5**, Ando teaches the video file integrating method, wherein the reproduction control information includes identification information for identifying the reproduction control information, and the method further comprising: changing the identification information when the original un-integrating directory file structure is

converted into the reproduction control information in the data format of the integrated management information file (Fig. 30).

**Consider claim 6**, Ando teaches the video data file integrating method, wherein the identification information is text information provided to the reproduction control information (Fig. 30).

**Consider claim 7**, Ando teaches the video data file integrating method, wherein the identification information is flag information provided to the reproduction control information (Fig. 10).

**Consider claims 9 and 11**, Ando teaches the integrated video data file reproducing apparatus, wherein at least one of file name information and directory name information of the original video data files having the data format of the original un-integrated directory file structure is converted into text information in the data format of the integrated management information file and is recorded, and the recorded text information is reproduced (Fig. 30).

**Consider claim 12**, Ando teaches the video data file integrating method, wherein the original video data files and the original management information files are stored under different directories in the original un-integrated directory structure (Fig. 35), and the integrated management information file and the integrated video data file are located under a same directory (Fig. 35).

**Consider claim 13**, Ando teaches the integrated video data file reproducing method, further comprising: reading the reproduction control information from the integrated management information file (Fig. 29); creating the un-integrated data file



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structure based on the reproduction control information read from the integrated management information file (Fig. 36); creating original video data files from the integrated video data file based on the reproduction control information (Fig. 36); and storing the created original video data files under directories in the created un-integrated data file structure (Fig. 35).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2482

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Examiner, Art Unit 2481